

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-5, 7-10, 29-31 and 33-52 are pending in the application, with claims 1, 51 and 52 being independent. Claim 6 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 32 was cancelled by Applicants' Preliminary Amendment. New claims 34-52 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Election/Restrictions

Applicants acknowledge that claims 11-28 have been withdrawn from consideration as being drawn to a non-elected Group. By this paper, Applicants have added new claims 34-52 to the application. Applicants submit that the new claims fall within the election made by Applicants in Paper No. 7. Examination and consideration of the new claims is believed to be proper and is, therefore, respectfully requested.

Priority

Applicants acknowledge that the Examiner has accepted and entered the claim for foreign priority based on Application Nos. 9822545.1 and 9912046.1, both filed in the United Kingdom on October 15, 1998 and May 24, 1999, respectively.

Information Disclosure Statement

Applicants acknowledge that the Examiner has consider the information of Applicants' Information Disclosure Statement filed on April 7, 2003.

Specification

The Examiner has objected to the application because it does not contain an Abstract of the disclosure, as required by 37 C.F.R. § 1.72(b). By this paper, Applicants submit an Abstract that complies with the rules. The Abstract is submitted herewith on the attached separate sheet.

Objection to the Claims

The Examiner has objected to claims 29-31 and 33 because of an informality concerning the recitation of "(15a, 15b comprising)" in claim 29. Applicants have amended claim 29 to correct the objected to recitation, which in turn renders the objection to claims 30, 31 and 33 moot. Applicants respectfully request reconsideration and withdrawal of the objection.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 1-10, 29-31 and 33 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More particularly, the terms "the seated body" and "the legs" lack antecedent basis. Applicants have amended claim 1 to provide antecedent basis for the noted terms. Reconsideration and withdrawal

of the rejection is therefore respectfully requested.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3-7 and 9-10 under 35 U.S.C. § 102 as being anticipated by European Patent Application No. EP 0 036 822 to Legrand ("Legrand"). The Examiner states that each seat 3, 4 of Legrand has a seat axis represented by a dashed line that is substantially parallel to a longitudinal axis 18. Referring to Figure 1 of Legrand, it will be seen that the dashed lines extend at an **angle** to the longitudinal axis 18 and that one skilled in the art would not perceive the lines as extending substantially parallel to line 18, as required by the relevant limitation of independent claim 1, as hereby amended.

Claim 1 as hereby amended is clearly not anticipated or suggested by the disclosure of Legrand. Indeed, the invention of claim 1 as hereby amended is concerned with seating units having seats that are movable between an upright seating position and a reclined position in which a generally flat sleeping surface is provided. This combination is not taught or suggested by Legrand, but is, in fact, contrary or incompatible with its disclosure. Legrand is concerned with providing the maximum possible number of elongate seats that have a reclining or couched profile in a compartment such as a compartment of a railway carriage (see page 1, lines 14 to 16 of the translation of Legrand). This is achieved by having pairs of seats or couches arranged in tiers. Figures 11, 12 and 13 show that the elongate seats are divided into sections by transverse pivots that provide some relative movement of the sections. This is described

in the paragraph bridging pages 7 and 8 of the English translation of Legrand. It is clear from the drawings that the relatively small amount of movement allowed does not provide an upright position (see Figure 11). Furthermore, even when fully reclined, there is no flat surface provided by the back portion and the seating portion; the back portion being the portion that extends between the axes of rotation 103, 104 and the seating portion being the portion that extends between the axes of rotation 104, 105. In particular, it is unmistakable that the construction of the seating portion is such that a flat surface could never be provided.

In summary, the elongate couches of Legrand have a carefully designed partially folded reclining position intended to permit nesting of the couches in tiers and it would be incompatible with the teaching of this document to provide an upright and fully reclined position, as recited in amended claim 1. If an upright position were provided this would involve increasing the vertical spacing of the tiers (note the emphasis on the adding of a fifth level and a thin structure that allows such an addition as set forth in lines 15 to 32 of the translation of Legrand). Thus, not only does Legrand not teach seats with upright and fully reclined positions as specified in amended claim 1, it would be quite contrary to the overall teaching of Legrand to do so, to the extent that the skilled person would find nothing in its teaching that would provide the motivation or incentive to modify the structure taught in order to arrive at the invention of claim 1, as hereby amended. In light of the above arguments, Applicants submit that claim 1 is patentable and respectfully requests reconsideration and withdrawal of the rejection under Section 102.

Claims 2-5, 7-10, 29-31 and 33-50 all depend from amended claim 1. Since amended claim 1 is patentable, Applicants submit that the dependent claims are also patentable by virtue of their dependency. Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(b), as applied to claims 2, 8, 29, 30, 31 and 33 is therefore respectfully requested.

It is believed that new independent claims 51 and 52 are patentable for the reasons set forth above with respect to Legrand and because none of the art of record discloses or suggests, either alone or in combination, the subject matter recited therein. Entry and allowance of new independent claims 51 and 52 is believed to be proper and is earnestly solicited.

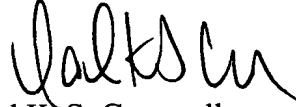
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

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